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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/822,374	04/12/2004	Shuichi Ohkubo	NEC WNZ-2665	2825
27667 7590 05/22/2008 HAYES SOLOWAY P.C. 3450 E. SUNRISE DRIVE, SUITE 140 TUCSON, AZ 85718				
EXAMINER DANIELSEN, NATHAN ANDREW				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/822,374

**Applicant(s)**

OHKUBO ET AL.

**Examiner**

Nathan Danielsen

**Art Unit**

2627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 February 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SG/US)  
Paper No(s)/Mail Date 11/26/07.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

Art Unit: 2627

### **DETAILED ACTION**

1. Claims 1 and 3-11 are pending. Claim 2 was canceled in applicant's amendment filed 16 May 2007.

#### ***Response to Amendment***

2. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

#### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:  

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
4. Claims 9-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
5. Claims 8 and 10 recite the limitation "the predetermined number of samples". There is insufficient antecedent basis for this limitation in the claims. Claims 9 and 11 are rejected as being dependent on an indefinite claim.

#### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1, 3, 5, and 6 are rejected under 35 U.S.C. 103(a) as being obvious over Fujiwara (US Patent Application Publication 2003/0002407), in view of Yousef et al (US Patent Application Publication 2003/0081668; hereinafter Yousef), and further in view of Behrens et al (US Patent 5,892,632).

Art Unit: 2627

Regarding claim 1, Fujiwara discloses a reproduced signal equalizing method for optical information media in which reproduced signals obtained by irradiating laser light to an optical information medium are equalized so as to bring a waveform thereof to a waveform having a predetermined characteristic, the method comprising the steps of:

sampling reproduced signals in a predetermined cycle (¶¶ 60);

calculating an equalization coefficient for producing a smallest difference between a target

waveform and an equalized waveform by the least square technique by using a

predetermined number or more of sampled waveform data (¶¶ 63); and

equalizing reproduced signals by using the calculated equalization coefficient (¶¶ 63).

However, Fujiwara fails to disclose the exact number of samples used and where the calculating step utilizes a matrix calculation.

In the same field of endeavor, Yousef suggests that the sampling frequency for generating the samples can be an integer multiple times the number of data clock cycles of data input into an adaptive equalizer (¶¶s 81-93; where, since applicant has not defined exactly what "a predetermined cycle" is, "a predetermined cycle" is interpreted as the number of reproduced channel bits, each with a channel clock length of T, that would result in applicant's claimed number of samples using the oversampling periods/frequencies of Yousef).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the adaptive equalizer of Fujiwara with that of Yousef, for the purpose of tracking fast channel variations due to a reduced computational complexity and increased computational speed (¶¶ 27). Further, it would be obvious to one of ordinary skill in the art, using routine experimentation and the application of well-known statistical principles, to optimize the oversampling frequency in order to produce the best possible expected results. However, Yousef also fails to disclose where the calculating step utilizes a matrix calculation.

In the same field of endeavor, Behrens discloses where the calculating step utilizes a matrix calculation (col. 19, line 30 through col. 21, line 29).

Art Unit: 2627

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the method of Fujiwara with the mathematical computations of Behrens, for the purpose of increasing the calculation speed and power efficiency of a sampled-amplitude read channel (col. 4, lines 41-58).

Regarding claim 3, Fujiwara, in view of Yousef and Behrens, discloses everything claimed, as applied to claim 1. Additionally, Fujiwara discloses where the method further comprises the step of:

inputting the reproduced signals sampled in the predetermined cycle to a Viterbi decoder (¶¶ 63);

and

defining said target waveform as a waveform based on binarized data demodulated by the Viterbi decoder and a partial response waveform (¶¶ 78).

Regarding claim 5, Fujiwara, in view of Yousef and Behrens, discloses everything claimed, as applied to claim 1. Additionally, Fujiwara discloses an optical information reproducing apparatus having a function for equalizing reproduced signals by using a reproduced signals equalizing method according to claim 1 (figure 1).

Regarding claim 6, Fujiwara, in view of Yousef and Behrens, discloses everything claimed, as applied to claim 1. Additionally, Fujiwara discloses where the method further comprises the steps of:

equalizing reproduced signals by using a reproduced signal equalizing method according to claim

1 (see above); and

evaluating quality of the reproduced signals from the equalized reproduced signals and binary identification data (¶¶s 108-110).

8. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fujiwara, in view of Yousef and Behrens, and further in view of Miyashita et al (US Patent Application Publication 2002/0064108; hereinafter Miyashita).

Regarding claim 4, Fujiwara, in view of Yousef and Behrens, discloses everything claimed, as applied to claim 3. However, Fujiwara, in view of Yousef and Behrens, fails to disclose a specific partial response value.

Art Unit: 2627

In the same field of endeavor, Miyashita discloses where a partial response value (1,2,2,2,1) is used as the partial response waveform (§ 55).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the apparatus/method of Fujiwara with the functionality of the apparatus of Miyashita, for the purpose of correctly decoding data using the marks preceding and succeeding the shortest mark (§ 55).

9. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fujiwara, in view of Yousef and Behrens, and further in view of Akiyama et al (US Patent Application Publication 20020067670; hereinafter Akiyama).

Regarding claim 7, Fujiwara, in view of Yousef and Behrens, discloses everything claimed, as applied to claim 6. However, Fujiwara, in view of Yousef and Behrens, fails to disclose a writing condition adjusting method, wherein a *recording condition* is adjusted based on an evaluation result of a signal quality evaluation method according to claim 6.

In the same field of endeavor, Akiyama discloses where a recording condition is adjusted based on an evaluation result of a signal quality evaluation method according to claim 6 (§ 47).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the apparatus/method of Fujiwara with the functionality of Akiyama, for the purpose of obtaining optimum recording/reproduction conditions (§ 47).

10. Claims 8-11 are rejected under 35 U.S.C. 103(a) as being obvious over Fujiwara, in view of Yousef.

Regarding claims 8 and 10, Fujiwara discloses reproduced signal equalizing methods for optical information media in which reproduced signals obtained by irradiating laser light to an optical information medium are equalized so as to bring a waveform thereof close to a waveform having a predetermined characteristic, the method comprising the steps of, in order to read out information recorded on the optical information medium:

Art Unit: 2627

equalizing a predetermined number of samples of the reproduced signals by using a predetermined initial filter coefficient and generating a first equalized signal (¶s 74-77); identifying the first equalized signal by using a Viterbi decoder and obtaining a provisional identification result therefrom (¶s 78 and 79); generating a target signal from the provisional identification result and a predetermined partial response waveform (¶s 78 and 79); calculating a filter coefficient for producing a small difference between the target signal and the reproduced signals about the predetermined number of samples (¶s 78 and 79); equalizing the reproduced signals by using the calculated filter coefficient and generating a second equalized signal (¶s 78 and 79); and identifying the second equalized signal by using the Viterbi decoder (¶s 78 and 79).

However, Fujiwara fails to disclose the exact number of samples used.

In the same field of endeavor, Yousef suggests that the sampling frequency for generating the samples can be an integer multiple times the number of data clock cycles of data input into an adaptive equalizer (¶s 81-93, as explained above).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the adaptive equalizer of Fujiwara with that of Yousef, for the purpose of tracking fast channel variations due to a reduced computational complexity and increased computational speed (¶ 27). Further, it would be obvious to one of ordinary skill in the art, using routine experimentation and the application of well-known statistical principles, to optimize the oversampling frequency in order to produce the best possible expected results. However, Yousef also fails to disclose where the calculating step utilizes a matrix calculation.

Regarding claims 9 and 11, Fujiwara, in view of Yousef, discloses everything claimed, as applied to claims 8 and 10, respectively. However, Fujiwara fails to disclose the specific number of samples of waveform data used.

Art Unit: 2627

In the same field of endeavor, Yousef suggests that the sampling frequency for generating the samples can be an integer multiple times the number of data clock cycles of data input into an adaptive equalizer (¶¶s 81-93, as explained above).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the adaptive equalizer of Fujiwara with that of Yousef, for the purpose of tracking fast channel variations due to a reduced computational complexity and increased computational speed (¶¶ 27). Further, it would be obvious to one of ordinary skill in the art, using routine experimentation and the application of well-known statistical principles, to optimize the oversampling frequency in order to produce the best possible expected results.

### ***Response to Arguments***

11. Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection.

12. Applicant's arguments filed 19 February 2008 regarding the rejection of claims 8 and 10 have been fully considered but they are not persuasive.

a. Regarding applicant's argument that "because Yousef et al. neglects to teach of a specific number of samples at which the error rate has an improved efficiency, and since Fujiwara also fails to teach this, no combination of Fujiwara and Yousef et al. would achieve claims 1, 8 and 10", the examiner disagrees. The examiner has already addressed this argument in the Office Action mailed 08 August 2007. However, for the sake of clarity, the Law of Large Numbers ([http://en.wikipedia.org/wiki/Law\\_of\\_large\\_numbers](http://en.wikipedia.org/wiki/Law_of_large_numbers)) and the Central Limit Theorem ([http://en.wikipedia.org/wiki/Central\\_limit\\_theorem](http://en.wikipedia.org/wiki/Central_limit_theorem)) from the field of probability and statistics dictate that with increasing data set sizes, the precision and accuracy of mathematical calculations on the data set also increases. Additionally, one of ordinary skill in the art would have known how to select an appropriate data size to perform calculations on taking full advantage of the available level of technological advancement in the field of microprocessors. Therefore, applicant's claimed "3000 or more sampled waveform data" is not seen to be non-



Art Unit: 2627

obvious in view of the general knowledge in the digital signal processing art, And the above rejections are still deemed proper and are hereby maintained.

***Closing Remarks/Comments***

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nathan Danielsen whose telephone number is (571)272-4248. The examiner can normally be reached on Monday-Friday, 9:00 AM - 5:00 PM Eastern Time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on (571) 272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2627

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Joseph H. Feild/  
Supervisory Patent Examiner, Art Unit  
2627

Nathan Danielsen  
05/12/2008